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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 3taps, Inc.,

18 Plaintiff,

19 vs.

20 LinkedIn Corporation,

21 Defendant.
22

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned action against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (ECF No. 1);

WHEREAS the complaint in the above-captioned action consists of a single count for a declaratory judgment that LinkedIn cannot assert the Computer Fraud and Abuse Act, 18 U.S.C. § 1030 (“CFAA”) to prevent 3taps from accessing certain portions of LinkedIn’s website;

WHEREAS, on February 23, 2018, this action was reassigned to this Court as related to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-EMC);

WHEREAS, on March 7, 2018, this Court stayed this action pending resolution of an appeal in the hiQ Action (*see* ECF No. 10);

WHEREAS, on November 19, 2019, the Ninth Circuit issued its mandate in LinkedIn’s appeal in the hiQ Action;

WHEREAS, on December 31, 2019, pursuant to stipulation, the Court extended LinkedIn’s deadline to answer or otherwise respond to the complaint to March 31, 2020;

WHEREAS, LinkedIn plans on filing a petition for a writ of certiorari in the Supreme Court of the United States in the hiQ Action (“Petition”) concerning a question related to the CFAA;

WHEREAS, LinkedIn’s deadline to file its Petition is March 9, 2020;

WHEREAS, the outcome of LinkedIn’s Petition may impact the viability of the declaratory judgment that 3taps seeks in this action;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1. LinkedIn’s deadline to answer or otherwise respond to the complaint shall be extended to the later of the following events:

- a. If the Supreme Court of the United States denies LinkedIn’s petition, 60 days from the date of the order denying the petition; or

b. If the Supreme Court of the United States grants LinkedIn's petition, 60 days from the date of any opinion on the merits or any order otherwise disposing of the petition.

2. In the event LinkedIn responds to the complaint by motion, any opposition thereto shall be due 60 days after the motion is filed and served, and any reply shall be due 30 days after the filing and service of the opposition. The Parties shall meet and confer to determine a hearing on the motion consistent with this schedule prior to the filing of the motion by LinkedIn.
3. No party shall propound any discovery on any party or non-party until 30 days after LinkedIn files its answer.
4. The deadline for the parties to exchange initial disclosures shall be 30 days after LinkedIn files its answer.
5. The deadlines in this order supersede the deadlines set in the parties' prior stipulation (ECF No. 26).
6. Nothing in this order precludes either party from applying to the Court for relief from any deadline set forth in this stipulation and proposed order.

DATED: March 2, 2020

THE LAW OFFICES OF THOMAS V. CHRISTOPHER

By: /s/ Thomas V. Christopher
 THOMAS V. CHRISTOPHER
Attorneys for Plaintiff 3taps, Inc.

DATED: March 2, 2020

MUNGER, TOLLES & OLSON LLP

By: /s/ Jonathan H. Blavin
 JONATHAN H. BLAVIN
Attorneys for Defendant LinkedIn Corporation

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2 **N.D. Cal. Civil Local Rule 5-1 Attestation**

3 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
4 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
5 Thomas V. Christopher concurred in the filing of this document.

6 /s/ Jonathan H. Blavin
7 Jonathan H. Blavin
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14 **[PROPOSED] ORDER**

15 Pursuant to Stipulation, it is SO ORDERED.

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17 DATED: March ___, 2020
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20 The Honorable Edward M. Chen
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